

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

THOMAS JESSE WARD,

Petitioner,

v.

DAVID BUSS, Warden,

Respondent.

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Case No. CIV-23-146-JFH-GLJ

**PRE-ANSWER MOTION TO DISMISS PETITION FOR WRIT OF HABEAS
CORPUS AS TIME-BARRED BY THE STATUTE OF LIMITATIONS**

Comes now Respondent, by and through the Attorney General of the State of Oklahoma, and respectfully asks that the instant Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 be dismissed as it is untimely filed, pursuant to 28 U.S.C. § 2244(d). Respondent has filed a Brief in Support of this Motion, which is being filed simultaneously herewith, and which more fully explains and supports Respondent’s position.¹

Wherefore, for the reasons contained within Respondent’s Brief in Support, Respondent respectfully requests that this Court dismiss the instant Petition as it is time-barred by the statute of limitations.

¹ This Court’s Order calling for a response expressly states the following: “As an alternative to filing a Rule 5 answer, Respondent may file within thirty (30) days a motion to dismiss based upon 28 U.S.C. § 2241, 28 U.S.C. § 224[4], 28 U.S.C. § 2254, or other applicable statute.” Doc. 41. In the event this Court denies this Motion to Dismiss—as well as Respondent’s Motion to Dismiss Petition as Unexhausted—Respondent respectfully requests permission to file a response on the merits.

Respectfully submitted,

GENTNER F. DRUMMOND
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

X I hereby certify that on June 30, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing.

X I hereby certify that on June 30, 2023, I electronically transmitted the attached document to the following ECF registrants using the ECF System for filing:

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